

JUN 13 2006

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FACSIMILE TRANSMISSION

DATE: June 13, 2006

TO: EXAMINER ALEXANDER KOSOWSKI

FACSIMILE NO.: 571-273-8300

FROM: John G. Posa

PAGES TRANSMITTED (INCLUDING COVER SHEET): 6

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RE: SN 09/916,976

MESSAGE:

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JUN 13 2006

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
(Small Entity)Docket No.
POM-12602/29

In Re Application Of: Mazumder

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/916,976	07/27/2001	A. Kosowski	25006	2125	8577

Invention: FABRICATION OF BIOMEDICAL IMPLANTS USING DIRECT METAL DEPOSITION

COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of February 13, 2006 in the above-identified application.

Date

The requested extension is as follows (check time period desired):

☒ One month ☐ Two months ☐ Three months ☐ Four months ☐ Five months

from: May 13, 2006 until: June 13, 2006

Date *Date*

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for the extension of time is \$60 and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 07-1180
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 07-1180
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Dated: June 13, 2006

John C. Posn
Reg. No. 37,424
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I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

6/13/06

(Date)

Signature of Person Mailing Correspondence

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JUN 13 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Mazumder

Serial No.: 09/916,976

Group No.: 2125

Filed: July 27, 2001

Examiner: A. Kosowski

For: FABRICATION OF BIOMEDICAL IMPLANTS USING DIRECT METAL
DEPOSITIONRESPONSE TO OFFICE ACTIONMail Stop AMENDMENTS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed February 13, 2006, the Examiner's attention is directed to the following remarks.

The claims of this application are being resubmitted in unamended form on the grounds that the Examiner has failed to establish *prima facie* obviousness.

All of the pending claims of this application, claims 1 and 3-8, stand rejected under 35 U.S.C. §103(a) over Jang et al. ('095), further in view of Bradbury et al. (U.S. Publication Serial No. 2002/0007294), further in view of Koch ('564). With respect to claim 1, the Examiner concedes that Jang does not teach "that biomedical implants are being fabricated, that the digital data obtained from CT or MRI scans is related to patient physiology, nor that the size of the increments are controlled through optical monitoring." Thus, in other words, it appears to Applicant that Jang does not teach more than what Jang actually teaches. Nevertheless, the Examiner argues that it would have been obvious to modify Jang "since this would increase the responsiveness of the implant preparation and surgical planning process, would allow customized construction of implants, and would yield superior dimensional matching to a patient's body, which should promote superior tissue and bone ingrowth," citing Bradbury at paragraphs [0008] and [0051]. Referring first to the paragraphs of Bradbury cited by the Examiner, paragraph [0008] refers only to the system of Bradbury. It does not speak to the combination of Jang, Bradbury et al. and Koch. Thus, the teachings of this paragraph do not carry over